statutes. See Wash. Laws, 1909, ch. 16; Or. Laws, 1920, sec. 3772; (1921) 19 MICH. L. REV. 448.

MASTER AND SERVANT—INDEPENDENT CONTRACTOR—DELEGATION OF DUTY OWED TO INVITEE.—The deceased, an employee of an independent contractor, while installing elevator doors in the defendant's mercantile building, was killed through the carelessness of the elevator attendant, an employee of another independent contractor, who operated the elevator for the defendant. *Held,* (three judges *dissenting*) that the defendant was liable. *Besner v. Central Trust Co.* (1921) 230 N. Y. 357, 130 N. E. 577.

It is well settled that it is the duty of the owner of land to exercise reasonable care to keep the premises in a safe condition for the use of those present by express or implied invitation. 3 Shearman and Redfield, *Negligence* (6th ed. 1913) 1853. A person is an invitee when he is present for the benefit, or in the interest of, the owner or occupant, or when his presence is of mutual interest. *Meiers v. Fred Koch Brewery* (1920) 229 N. Y. 10, 127 N. E. 491; *Coburn v. Village of Swanton* (1920, Vt.) 109 Atl. 854. An employee of a contractor engaged to do work on the premises is regarded as an invitee. 1 Thompson, *Negligence* (1901) 898; *John Spry Lumber Co. v. Duggan* (1898) 80 Ill. App. 394. As a general rule, an employer is not liable for the negligence of his independent contractor or the latter's servants. 14 R. C. L. 79. But if one is on the premises as an invitee, the duty of keeping the premises *reasonably safe for use according to the invitation,* cannot be delegated to an independent contractor. *Curtis v. Kiley* (1891) 153 Mass. 123, 26 N. E. 421. Upon this principle the decision in the instant case seems sound since the deceased may well have understood that the owner of the building was holding himself out as having control of the elevator and that he could be relied upon to use due care in its operation. And since at the time of the accident the deceased was engaged in the performance of the very purpose for which he was invited and in accordance with the terms of the invitation as he understood them, the owner ought not to be allowed to delegate the duty to use reasonable care for his safety to an independent contractor. A more difficult situation would present itself if the deceased were aware of the fact that the elevator were under the control of the independent contractor. It is problematical whether the owner would be liable under such circumstances.

MASTER AND SERVANT—RESPONSIBILITY FOR SERVANT'S DEVIATION OR DEPARTURE.—The defendant's chauffeur was ordered to go from the defendant's mill to some freight yards and to bring back some barrels of paint. After loading, he drove four blocks beyond the yard to his sister's house to give her some waste wood found at the yard. On the way back to the defendant's mill, and before he had passed the yard again, he negligently injured the plaintiff. *Held,* (three judges *dissenting*) that, even if the trip to his sister's house were a departure and not a mere deviation, he had reached a point, on the return toward the mill, which brought him again within the scope of his employment, so as to render the master liable. *Riley v. Standard Oil Co.* (1921) 231 N. Y. 301, 132 N. E. 97.

The wide conflict in this class of cases is not due to any uncertainty in the law, but to constantly varying interpretations of the facts. For example. it is well settled that, when a chauffeur is "on a frolic of his own," i. e., without permission and for no purpose connected with his master's service, he takes out the car, the trip is a complete departure, and the master is not liable for any accidents occurring. *Storey v. Ashton* (1869) L. R. 4 Q. B. 476; *Donnelly v. Yuille* (1921) 197 App. Div. 59, 188 N. Y. Supp. 603; *Colwell v. Aetna Bottle Co.* (1912) 33 R. I. 531, 82 Atl. 388; *contra, Quinn v. Power* (1882) 87 N. Y. 535. It is as well settled that, when the servant is simultaneously doing his master's